

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**TRANSPORTATION INSURANCE
COMPANY,**

Plaintiff,

v.

**CENTRAL NATIONAL INSURANCE
COMPANY OF OMAHA, et al.,**

Defendants.

Case No. 3:18-cv-00734-YY

OPINION AND ORDER

MOSMAN, J.,

On October 12, 2021, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F. & R.”) [ECF 88]. Judge You recommends that I grant defendants Acme Trading Company of Portland’s, Central National Insurance Company of Omaha’s, and Pacific Employers Insurance Company’s Motions for Summary Judgment [ECF 60, 63, 65] and deny Transportation Insurance Company’s Motion for Summary Judgment [ECF 67]. Objections were due on October 26, 2021. Plaintiff filed objections [ECF 90] and Defendants filed responses [ECF 91, 92]. I agree with Judge You.

STANDARD OF REVIEW

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's recommendation and I ADOPT her F. & R. [ECF 88] as my own opinion. I GRANT defendants Acme Trading Company of Portland's, Central National Insurance Company of Omaha's, and Pacific Employers Insurance Company's Motions for Summary Judgment [ECF 60, 63, 65] and DENY Transportation Insurance Company's Motion for Summary Judgment [ECF 67].

IT IS SO ORDERED.

DATED this 16th day of December, 2021.


MICHAEL W. MOSMAN
United States District Judge